

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Shawn Bertram, on behalf of himself and others similarly situated

DEFENDANTS

326 Restaurant Corp., d/b/a Joe Allen Restaurant, Joe Allen, and Claire Choveaux

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
D. Maimon Kirschenbaum, Joseph & Kirschenbaum LLP, 32 Broadway, Suite  
601, New York, NY 10004 (212) 688-5640

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[ ] 376 QUI TAM
[ ] 130 MILLER ACT	LIABILITY	[ ] 365 PERSONAL INJURY	21 USC 881	[ ] 423 WITHDRAWAL	[ ] 400 STATE
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY	[ ] 690 OTHER	28 USC 157	REAPPORTIONMENT
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	PRODUCT LIABILITY			[ ] 410 ANTITRUST
[ ] 151 MEDICARE ACT	[ ] 340 MARINE	PERSONAL PROPERTY			[ ] 430 BANKS & BANKING
[ ] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD			[ ] 450 COMMERCE
	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING			[ ] 460 DEPORTATION
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	PRODUCT LIABILITY	[ ] 380 OTHER PERSONAL INJURY	LABOR		[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
	[ ] 360 OTHER PERSONAL INJURY	PROPERTY DAMAGE	[ ] 710 FAIR LABOR STANDARDS ACT		[ ] 480 CONSUMER CREDIT
	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE	[ ] 720 LABOR/MGMT RELATIONS		[ ] 490 CABLE/SATELLITE TV
[ ] 160 STOCKHOLDERS SUITS		PRODUCT LIABILITY	[ ] 861 HIA (1395ff)		
[ ] 190 OTHER CONTRACT		"	[ ] 862 BLACK LUNG (923)		
[ ] 195 PRODUCT LIABILITY	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[ ] 863 DIWC/DIVW (405(g))		
[ ] 196 FRANCHISE	CIVIL RIGHTS	[ ] 463 ALIEN DETAINEE	[ ] 864 SSID TITLE XVI		
	[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 865 RSI (405(g))		
		28 USC 2255			
		[ ] 530 HABEAS CORPUS	[ ] 790 OTHER LABOR LITIGATION		
		[ ] 535 DEATH PENALTY	[ ] 791 IRS-THIRD PARTY		
		[ ] 540 MANDAMUS & OTHER	26 USC 7609		
			SECURITY ACT (ERISA)		
REAL PROPERTY		PRISONER CIVIL RIGHTS	IMMIGRATION		
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING		[ ] 462 NATURALIZATION APPLICATION		
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT		[ ] 465 OTHER IMMIGRATION ACTIONS		
[ ] 230 RENT LEASE & EJECTION	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 550 CIVIL RIGHTS			
[ ] 240 TORTS TO LAND	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 555 PRISON CONDITION			
[ ] 245 TORT PRODUCT LIABILITY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN							
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge	
<input type="checkbox"/> a. all parties represented				<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)			
<input type="checkbox"/> b. At least one party is pro se.							

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION			
<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION	<input type="checkbox"/> 4 DIVERSITY (U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2		INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6	

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Shawn Bertram  
c/o Joseph & Kirschenbaum, LLP  
32 Broadway, Suite 601  
New York, NY 10004

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

326 Restaurant Corp. d/b/a Joe Allen Restaurant  
Joe Allen  
Claire Choveaux  
326 West 46th Street  
New York, NY 10036

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.  
DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 2/7/2017 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #



ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[X] YES (DATE ADMITTED Mo. 10 Yr. 2006)  
Attorney Bar Code # DK-2338

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)